IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

MISC. APPLICATION NO. 177 OF 2006.
IN
CRIMINAL WRIT PETITION NO. 2896 OF 2005.

Manoj Kumar M.Kabra. ... Petitioner.
Versus.
Mrs.Pooja Manojkumar Kabra & anr. ... Respondents.
and
Mahendra Kabra and others. ... Applicants.

Shri A.M.Saraogi for the Applicants.

Shri R.D.Suryawanshi for the Respondents.

Shri U.V.Nikam, A.P.P. for the State.

CORAM : ABHAY S.OKA, J.

DATED : 3rd October, 2006.

P.C.:

1. Not on board. Taken on board.

2. Heard Shri Saraogi appearing for the Applicants and Shri Suryavanshi appearing for the 1st Respondent.

3. The writ petition filed by the Petitioner has been rejected on merits. It is not in dispute that the Applicants in this Application have filed a Revision Application in the Sessions Court for challenging the order of the trial Court and the Revision Application is pending as of today. According to the Applicants, though the Application for interim relief is filed in the Revision, the same is not pressed in view of the ad-interim relief granted by this Court in this Application.

4. After having heard the Advocates appearing for the parties, I find that there is no merit in the application as the Revision Application filed by the Applicants is pending in the Sessions Court. In a disposed of Writ Petition, this application cannot be entertained. The application is accordingly rejected.

5. At this stage, the learned Advocate for the Applicants prays that the ad-interim relief granted on 16th May 2006 may be continued for a reasonable time to enable the Applicants to apply for interim relief before the Sessions Court. Shri Suryavanshi appearing for the 1st Respondent has strongly opposed the said prayer.

6. Considering the fact that ad-interim relief was granted by this Court on 16th May 2006, the same will continue to operate till 12th October 2006. It is made clear that no further extension will be granted. It is also made clear that the Sessions Court will decide the Application for interim relief without being influenced by the grant of ad-interim relief by this Court by order dated 16th May 2006 and continuation of the said relief till 12th October 2006.

Judge.